

***REGULAR ANDOVER CITY COUNCIL MEETING – JUNE 3, 2014  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Mike Gamache, June 3, 2014, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present:	Mike Knight, Sheri Bukkila, Julie Trude and Tony Howard
Councilmember absent:	None
Also present:	City Administrator, Jim Dickinson Community Development Director, Dave Carlberg Director of Public Works/City Engineer, David Berkowitz City Attorney, Scott Baumgartner Others

***PLEDGE OF ALLEGIANCE***

***RESIDENT FORUM***

Mr. Brett Heitkamp, Quad Cities Cable Commission Board Chair, thanked the City of Andover for providing support services over the last two plus years. Executive Director Karen George was also at the meeting. He stated through the guidance and expertise of Commissioner Trude and Mr. Dickinson as Treasurer, the City of Andover has provided them the professional expertise that the organization has been in long need of. They have had a significant level of challenges over the past few years and since the new Executive Director has come on board she has worked hand in hand with City staff. He specifically thanked Lee Brezinka, Melissa Knutson, and Brenda Fildes in the Finance Department. They also wanted to recognize Dana Makinen in HR along with support from Jolene Trauba and Dorothy Kurtz. He thought the expertise Andover has provided them has given them the opportunity to move confidently through a very aggressive and broad reorganization over the past two years. He stated they now possess the in house expertise that has given them the opportunity to move forward and take the organization to a whole new level. He stated the board and residents of all four communities are grateful.

Councilmember Trude stated it has been a busy couple of years with a lot of extra meetings. She thought her legal background has been helpful and that with the leadership with Ms. George and the staff she has put in place, as a Board Member she can sit back and enjoy the fruits of their labors.

Mr. Dickinson thought they made some good strides and thanked Chair Heitkamp for his kind words. He stated the Board has been very supportive and thought while the City is providing a supporting

role, the Board takes a big part in the true success of the organization.

***RECOGNITION OF ROBERT NOWAK – EDA COMMISSIONER***

Mayor Gamache stated Robert Nowak has been on the EDA Board from 1993 – 2013 and he wanted to recognize and thank him for all of his contributions to the Commission.

Mr. Nowak stated he appreciated the recognition they have given him. He thanked the City for allowing him the privilege of sitting on the Commission and it has been an honor.

Councilmember Knight thanked Mr. Nowak for all he has done.

***AGENDA APPROVAL***

Staff provided supplemental information for Items 6 (Approve Quotes/Building Demolitions) & 7 (changing the title) and an add on to the Agenda of a closed session to discuss Property Negotiations for PID ***##11-32-24-31-0001***

***Motion*** by Knight, Seconded by Bukkila, to approve the Agenda as amended above. Motion carried unanimously.

***APPROVAL OF MINUTES***

*May 20, 2014, Regular Meeting:* Correct as amended.

Councilmember Trude stated there was a name correction on the last page, line 16. Kameron Kytonen has a “j” in it and should be removed.

***Motion*** by Trude, Seconded by Howard, to approve the minutes as indicated above. Motion carried 4 ayes, 1 present (Bukkila).

***CONSENT ITEMS***

- Item 2     Approve Payment of Claims
- Item 3     Approve JPA/12-37A/Andover Blvd. NW & Crosstown Blvd. NW Turn Lane Improvements
- Item 4     Accept Petition/Order Feasibility Report/13-41/1131 – 179<sup>th</sup> Avenue NW/Septic & Grading Improvements (See Resolution R035-14)
- Item 5     Approve Extension of Final Plat/Hickory Meadows 2<sup>nd</sup> Addition – Tollberg Homes, LLC
- Item 6     Approve Quotes/Building Demolitions
- Item 7     Accept 2013 Comprehensive Annual Financial Report

**Motion** by Bukkila, Seconded by Trude, approval of the Consent Agenda as read. Motion carried unanimously.

***CONSIDER REZONING 40 ACRES NORTH OF WINTERGREEN STREET NW AND 161<sup>ST</sup> AVENUE NW FROM R-1, SINGLE FAMILY RURAL TO R-4, SINGLE FAMILY URBAN – SW LAND, LLC***

Mr. Carlberg explained the City Council is requested to review the proposed request to rezone the parcels located directly north of Country Oaks West residential development from R-1 Single Family Rural to R-4 Single Family Urban as requested by SW Land, LLC.

Mr. Carlberg reviewed the staff report with the Council.

Councilmember Trude stated before the rezoning is done she thought it would be helpful to hear from the developer.

Mr. Scott Wold, SW Land, stated they took to heart the Planning and Zoning Commission and City Council's wishes last fall and went forward pursuing the property to the west of the 40 acres trying to come up with a plan for transportation route to Hanson Boulevard. He stated they have under contract property, with both Dennis and Richard Kuiken properties. The intention is to pursue the road further to the west to make the road connection to Hanson Boulevard.

Councilmember Trude stated she appreciated that effort and taking what he heard last fall very seriously. She stated this affects her opinion about rezoning this property because with a larger plan in place it seems timelier to look at the rezoning and that information was crucial to her in making a decision.

**Motion** by Bukkila, Seconded by Howard, to approve the rezoning request based on the fact that the property is located within the MUSA, water and sewer are available to the property, and the request is in harmony with the Andover Comprehensive Plan. Motion carried unanimously. (See Ordinance 437)

***CONSIDER PRELIMINARY PLAT OF COUNTRY OAKS NORTH – 64 LOT URBAN RESIDENTIAL DEVELOPMENT – SW LAND, LLC***

Mr. Carlberg explained the City Council is asked to review the preliminary plat for Country Oaks North. The plat contains 64-urban lots as proposed by SW Land, LLC.

Mr. Carlberg reviewed the staff report with the Council.

Councilmember Trude asked about the comment of the Fire Marshal and Fire Chief on this plat. Mr. Carlberg stated their concern is with the one access point at this time and they would be very excited to get the road out to Hanson Boulevard, sooner rather than later.

Councilmember Trude stated there was a misstatement on this in the Planning and Zoning Commission meeting minutes. When the question came up with this being an emergency access road, a staff member said it would be to service the neighborhood which is very broad and not what was meant. Mr. Carlberg indicated they had two things working, one was a temporary access for emergency vehicles and the other was the permanent potential road in the future. There was some misinformation because the Fire Department will not be running major equipment off Ward Lake Drive in order to get to the development.

Councilmember Trude stated they talked a little bit about this road going west and he is developing some purchase agreements but it looked like there was a little bit of a gap when they get past the first forty. She would like to hear from Mr. Wold if he is negotiating to finish that or are there purchase agreements with parcels along this whole segment. She would also like to hear about a connection happening at close to fifty percent of the sales of the lots of the first 40 acres.

Mr. Wold stated they do not have a purchase agreement with Duane Kuiken but the purchase agreement with Richard Kuiken has road right-of-way to the west. He stated in conversation with staff and Council, development needs to pay for the cost of this road and he would like to have discussions on how that will occur. He feels it is important to get west sooner than later also. He stated timing wise, it depends on the build out of the current development and it is their intention to bring forth a sketch plan for the rest of the property still this year.

Councilmember Trude noted Mr. Wold said to the Planning and Zoning Commission he was aiming at a fifty percent build out before the road would go in and she wanted to know where they felt this was financially feasible. She wanted to add a condition to the approval process to limit them to half of the building permits for their project until they can come forward to the Council with a plan that they are ready to move ahead with the road. She wanted a little more surety than what they have now.

Mr. Wold stated his problem with restricting permits is when he initially came forward it was said that they could develop forty acres without any road and this is a change to what the Council directed them to do in September 2013. He stated that committing to fifty percent without a road is a substantial change from where they were back in September.

Mayor Gamache stated he would not support changing the direction they had provided in September. Mr. Carlberg indicated it goes back to the Comprehensive Plan Amendment where they talked about phasing. Mayor Gamache stated he liked the idea that they are planning and making the effort now to purchase or make agreements with the owners on moving to the west and getting that second access. He thought they will need to get some financing in order to do some of the work that they will need to get done.

Councilmember Trude stated the road does not have to be built but she wants to hold the developer to what they told the Planning and Zoning Commission in the minutes “Mr. Wold thought that once construction got to fifty percent complete, they would start phase two going west. This will benefit

the subdivision as they sell lots.” The condition she wants to add is they need to feel comfortable with their plans going west. Mr. Wold stated originally when they brought the plans forward with Gantner’s property on there, they showed a road on the north piece going west and that was why it got phased into two.

Mr. Shawn Weinand, SW Land, stated they have very strong commitments in their agreements for the three parcels left to purchase. They have a very big financial commitment. It is their intent that when they are fifty percent built out they can start the road on phase two. They cannot commit to that because there are still many unknowns. They have done their wetland delineation, have their permits ready to turn in, they have done their soil borings and are way ahead on that road than anybody anticipates they are and they have fulfilled everything that is requested of them. Their lots are two and three times the size of a normal city lot. They have spent almost a quarter of a million dollars to save trees. They have a purchase agreement for the racetrack property so that will go away and they have agreements for acquisition of the necessary right-of-way. That is what they can commit to.

Councilmember Trude thought that sounded great but she wanted to put into the agreement what she has been hearing from them when they went to the Planning and Zoning Commission. She stated verbal agreements don’t mean anything regarding land. Mr. Weinand asked what they are going to do with the rest of the land if they cannot build anymore lots without that road. He thought that was enough incentive. Councilmember Trude stated she wanted to know that at the point where they have thirty lots sold that they have the purchase agreement closed and the road plan is moving ahead. Mr. Weinand stated the purchase agreements will not be closed until they are ready to start construction. What they said is that it is their intent when they are half built out to start moving forward on the road. There is a lot of work ahead of them. They are very close to a sketch plan for the other properties and would like to bring that in along with the Gantner piece in at the same time and push forward. They are as committed as can be.

Mayor Gamache asked for clarification on fifty percent. Mr. Weinand stated they would like to get everything in place once they are at fifty percent with Country Oaks North. Once they get to fifty percent the second half will go fairly quick and they will need additional lots. They have about sixteen or seventeen lots they can get out of Richard Kuiken’s piece that helps them get the road through, then they will move into the Gantner piece. They need this land to ripen a little bit because it has been an expensive process.

Councilmember Bukkila stated she did not have a problem completing the forty acres but what she also understood is there would be no continuation outside of the forty acres and her impression is they do not go anywhere beyond the 40 acres until that road is in. Mr. Weinand stated they understand that they will not be able to go any further than the forty acres without a road.

Councilmember Bukkila wondered when looping the water main will come into effect. Mr. Carlberg stated the water main would be constructed with this project but would not be connected or utilized until White Pine Wilderness brought it to the northern limits of that development. Mr. Berkowitz

stated it is crucial that connection be made before they go any further to the north beyond the first 40 acres.

Councilmember Howard asked if they should wait until the Richard Kuiken property is developed and then make the loop in the cul-de-sac so they encompass more properties or do they make the loop before that next section is built. Mr. Berkowitz stated technically the loop will be for the first phase. They can handle the water supply in the forty acres that is being proposed without the loop but anything outside of that starts to become questionable.

Councilmember Knight stated when looking at the small lots going north, with potential for additional trains going through there, how far off the tracks will the homes be on the east side. Mr. Weinand indicated their lots are 180 feet deep and the standard lot size is 130 feet, there is also a pipeline easement between the homes and the railroad tracks. Councilmember Knight asked what the buffer will be. Mr. Weinand stated there are two tree buffers along with the pipeline easement between the homes and the tracks. Mr. Carlberg stated at the Planning and Zoning Commission meeting there was a marked up plan that showed the tree save area which shows the buffering between the homes and other areas.

Staff showed the tree save map to the Council and further discussion ensued as to the area where buffering neighboring properties was recommended to be made.

Councilmember Bukkila asked what the real density build out potential is for the forty acres. Mr. Carlberg stated the build out is being proposed at 1.84 units per acre. He stated 1.75 units per acre is the minimum. Councilmember Bukkila stated there are 64 units in this development and what would the maximum number possible be. Mr. Carlberg indicated they could get up to 110-120 units in this development if they went to the maximum density build rate for the zoning. This is half of what could be built on this property.

Mr. Carlberg stated there will be a trail system with the project which will connect with Wintergreen Street along with a trail along the north side of 167<sup>th</sup> Avenue.

Councilmember Trude asked if the drainage issues were taken care of in the last revision. Mr. Berkowitz stated the developer has identified and met the conditions the City has set forth. There are still some things that need to be revised that will be worked on in the next week or so. The developer cannot move forward with the site grading until all of staff's comments are addressed, as stated in the resolution. He stated they worked closely with the developer to make the lots as usable as possible but there will still be drainage and utility easements through the back of the lots.

Councilmember Knight asked what the amenities will be of this project, what type of pond. Mr. Weinand indicated the pond is intended to be a dry pond with prairie grass.

Mayor Gamache stated he was comfortable with what the developer was doing at this time because that is what was agreed to last fall. In looking at the layout provided, it does not make a lot of sense

that they would have done all of that work without doing what they have already told them they have done. Just because they have a road that heads to Mr. Kuiken's property does not mean it will be developed. He figured that the road was placed there because they are starting to work with both of the Kuiken brothers for purchase agreements on their property. What was discussed last fall was this piece could go in without a road but no other areas could. There was discussion of phasing the developments and if the developer wanted to start the development he was fine with moving forward with it.

Mayor Gamache asked what the time table for development was for this phase. Mr. Weinand stated it would start once all the approvals have been taken care of. Councilmember Howard stated he was comfortable with what was agreed upon last fall. It is a quality development with bigger lots and he thought the developer has done his homework. Councilmember Knight agreed and stated it was very unique.

**Motion** by Trude, Seconded by Knight, to approve Resolution R036-14, Preliminary Plat for Country Oaks North, subject to the conditions in the resolution and the contingency that they have the development agreement incorporate some kind of assurance for the City that there will be continued progress towards the construction of the road west.

Mayor Gamache asked where this change was going to go. City Attorney Scott Baumgartner suggested a lot of these items are usually taken care in the development agreement. He suggested it be put into Item 10 on the resolution and stated as: "Prior to final plat recording at Anoka County, a development agreement acceptable to the City Attorney, must be executed by the developer that will among other things address the developers obligation to construct a second public access to serve the development.", it is general enough in nature so that allows for the discussions with the developer so there is no firm commitment. It will be contained in a development agreement as they go forward with the developer but yet it is noted in the resolution as an expectation that the development agreement will include some kind of discussion relevant to a second public access. He thought this was the intention and understanding of what was being discussed.

Councilmember Trude accepted the attorney's suggested revision to her motion. Councilmember Knight seconded the motion.

Councilmember Bukkila stated she did not want to tie the hand of the developer from being able to complete these forty acres. She stated it is a very strong concern about the secondary access but she is concerned about it being in the resolution only in that she did not want to prohibit them from completing the first phase of the project. Mayor Gamache understood her concern.

Councilmember Trude did not think it was preventing the developer from completing this phase of the project. City Attorney Baumgartner stated it all comes down to what you want that obligation to be. Mr. Carlberg stated there is an option for the City to consider. The next phase going to the west will need a Comprehensive Plan amendment because it is not in the urban

service area. There will be a sketch plan process and the road can be tied to that.

Councilmember Trude stated there was not any commitment in writing. Mayor Gamache stated the commitment Mr. Wold made was there would not be any additional development without a road. Councilmember Trude indicated there was not any commitment in writing, she could not find it in any paperwork or resolution. Mr. Carlberg stated at the sketch plan stage the phasing plan Councilmember Knight put out there was to say this was put in the 2015-2020 development stage and could not be developed until such time a road was brought out to Hanson Boulevard. Councilmember Trude indicated that was in the Comprehensive Plan amendment and not in a sketch plan. Mr. Carlberg stated when the Comprehensive Plan amendment was drawn up the Council told Mr. Wold that he could develop this parcel without the need for a road going in and now they are saying they want him to develop a road after a certain amount is done. Councilmember Trude did not think that was the City Attorney's intention. Councilmember Trude stated those purchase agreements are not closed so they could potentially end up with the forty acres developed and those purchase agreements not be closed. Those are only agreements intending to perform based on the City meeting his expectations. What she heard from the people living on Wintergreen Street is they want this Council to assure them that they will have safe egress for them.

Councilmember Howard thought Mr. Wold could share the soil borings for the possible road connections and the City staff could review them to see where the road should or could go. He stated they did make a commitment for Mr. Wold to move forward with this forty. He stated what the City Attorney has said is Mr. Wold should share some information that progress is being made. City Attorney Baumgartner stated that would be up to the Council, what level of requirement or obligation they want.

City Attorney Baumgartner stated Mr. Carlberg pointed out that this road really belongs to the next development, though the City can ask Mr. Wold for information relative to the forty but as he heard some Councilmembers say, if you want to be true to what the discussion was the project did not include the requirement of that connecting road, then any obligation they put in the development agreement that would tie the obligation of that connection road to this forty raises a question if they are being true to what was offered in the first go around. As Mr. Carlberg stated that road can be tied to the next development but they can put an obligation in the development agreement that states they have to do something but at what point does he have to provide or satisfy that obligation. If the Council states it needs to be before more than fifty percent building permits are issued they are tying it back to this development and that was not contemplated the first time this was discussed. He stated it is hard to guarantee this. It either has to be tied to this first forty or there needs to be some good faith and tie it to the next phase. He did not see how they could go part way there.

Councilmember Bukkila stated she did not have any less feeling for wanting it in writing because she likes a written commitment but if they are focused on this forty acres, every time they force somebody to do something it begs the question, then what is it they are enforcing and how are



they enforcing it. If he builds out his forty acre piece and does not have the plan for the road, what are they going to do to him and does this hold any weight. If not, she wondered what purpose would it serve. She asked because they as a Council, have to meet certain legal burdens, looking into the future if Mr. Wold was to come in with a Comprehensive Plan amendment for the next phase can she legally deny that without a planned road. Mr. Carlberg stated they could. This is the sketch that was before the Council and if Mr. Wold did not try to be proactive to move the road up sooner they would be approving a preliminary plat without a road connection.

Councilmember Bukkila asked if Mr. Wold came in with a sketch plan going north what tool would the Council have to stop it. Mr. Carlberg stated they have a rezoning and preliminary plat approval but they have it already in a phasing of 2015-2020 so the decision of sewer being there is not there but how the project is developed and the timing of that has been decided in the five year time frame. Mr. Dickinson stated they would not have adequate transportation going to the north because they would be extending the cul-de-sac even further and that could be the reason to deny. Mayor Gamache stated he did not have any concerns that the next piece would not be developed unless the road is in. He would not have any concerns that it would not happen.

Councilmember Trude stated Item 6 in the resolution already has some conditions that talk about the public infrastructure being required. It states “Approval is contingent upon the applicant providing public easements of sufficient size to allow construction of public streets, sanitary sewer and water utilities to serve the plat in compliance with City Code.” They could also say they always require people to help them meet the City’s Comprehensive Plan and their transportation plan shows to serve this number of homes in this area of the community they need an east/west and north/south road so they always condition their plats on furthering the goals for the whole community at large. She stated she was trying to represent the public interest of the people that already have homes to the south of this area. She did not think they are tying the developer’s hands by what the City Attorney suggested.

City Attorney Baumgartner reread his addition to the resolution.

City Attorney Baumgartner stated he did not think anybody has an obligation on the table right now. He stated the language he suggested leaves open the possibility for that obligation to be anything from something on a napkin to they have to have the plat application and everything in between. He did not know what obligation the Council expects that to be this language allows or affords that flexibility.

Mayor Gamache asked who negotiates the entire development agreement. Mr. Dickinson indicated it would be City staff. Mayor Gamache stated what they are holding Mr. Wold to is to make sure this road continues but it does not say they have to have the final road drawn out. Mr. Dickinson stated in regard to progress on the road, are they limiting lots. Mayor Gamache did not see that in the wording. Mr. Weinand stated as long as they have the ability to complete the project out it is ok with them because their payday is not until the third phase. Mr. Dickinson stated if they have a condition in there that indicates they will pursue their commitment to that

road within this plat as he sees it, they are building the road to the edge of the property and committing to a route. To change the road they would have to come back to the City for a revised preliminary plat which would be very expensive for them. If the wish of the Council is to continue to work with staff to achieve the commitment of the roadway and there is not a restriction on the lots he does not think the developer would be overly concerned about it but it would be words on paper and does not restrict their ability to be able to create that cash flow that is necessary to build the road.

Councilmember Knight stated the demand and desirability of these lots will depend a great deal on the road coming in so without that they are looking at a huge factor effecting demand and desirability of those lots. Mayor Gamache did not think a road going only so far is out of the ordinary in this City. The point is that Mr. Wold is committed to building the road to the west because it helps him both financially not only this piece of property but also on the next piece he hopes to develop. He believed the agreement being added is not necessary and he could live without it but did not tie them to do anything. Mr. Weinand stated they are as concerned that the City performs as much as the City is concerned that they perform. Councilmember Bukkila did not see the addition holding them to anything and while she does not agree it is conflicting, and it may satisfy the residents.

City Attorney Baumgartner stated one of the reasons he added this language is for a placeholder so someone looking back on this can see in the resolution some expectation, intention that this road needs to be put in place because it is not mentioned anywhere else and it is a big concern.

Mayor Gamache stated when they had discussion about the phasing of these properties part of the phasing discussion was that second phase, the next forty had to be done with a road out to the west.

Motion carried 3 ayes, 2 nays (Bukkila, Gamache).

Mr. Dickinson indicated for clarification that this was not tied to any restriction of permits for lots. Mayor Gamache stated that is correct.

***SKETCH PLAN REVIEW – 26 LOT URBAN RESIDENTIAL DEVELOPMENT – 139<sup>TH</sup> AVENUE NW AND MARTIN STREET NW – POVLITZKI PROPERTIES, LLC***

Mr. Carlberg explained the City Council is asked to review a residential sketch plan for a single family urban medium density residential development as requested by Povlitzki Properties.

Mr. Carlberg reviewed the staff report with the Council.

Councilmember Trude asked if they had a list of the final standards expected. Mr. Carlberg stated the standards proposed are the same as the development to the north.

Mayor Gamache stated the areas to the north were pretty much wide open to the neighbors to the west and he thought this development has a lot more buffer between the developments. He would like to keep that buffer.

Mr. Brad Povlitzki, Povlitzki Properties, and Jason Ruud, EG Ruud and Sons, reviewed a revised sketch plan (C) with the Council.

Councilmember Trude asked if they need to have the pond in the middle of the development. Mr. Ruud indicated they did not. At one point there was a concern about the amount of area to snow plow and snow storage so he thought this would be a place for snow storage and not so much area to plow.

Councilmember Bukkila asked what happens if it starts to look unsightly and who would have the responsibility to maintain once the developer walks away. Mr. Berkowitz stated staff's first preference was to build one cul-de-sac. As they looked through the options in the first review the developer came back with the two cul-de-sacs that met the criteria with some lots that were interesting looking. He reviewed the golf club cul-de-sac option, the dual cul-de-sac and this plan, if the first option is not the direction this would be the preferable second option because snow storage on these lots is extremely difficult. They would utilize the center island for snow storage but the City would not want to be responsible for maintaining it. They would want to see some type of deed or requirement that is tied to the development so the City is not responsible for the maintenance.

The "golf club" cul-de-sac was reviewed by the City Council.

Councilmember Bukkila stated the problem with snow storage is that kids will be playing on the snow mound in the street.

Mayor Gamache stated they will want something in the development contract that the maintenance of the center island would be taken care of. Mr. Berkowitz stated it would not be in the development contract it would have to be something recordable like a deed so each property owner knows they have a responsibility.

City Attorney Baumgartner suggested a homeowners association be created to collect dues for maintenance of this. That would be the cleanest way to do this.

There was discussion regarding how to assign maintenance of the center island and the design of the road around the center island. Council directed the Engineering Department to review the layout.

Councilmember Trude stated she would like to see some plantings in the back of the shallower lots for buffering. Mr. Ruud indicated they will try to keep all the trees they can which will provide a good buffer.

Mayor Gamache asked about the proposed storm pond in the sketch plan and he wondered if they

will need to cut down a lot of the trees in that area to get to develop the pond. Mr. Ruud stated they did get the wetland delineated with a 16 foot buffer, they have drawn in some potential pond locations and they are not final because they have not done a grading plan yet. Once they know what their sketch is the ponding area will be designed.

Mr. Berkowitz thought a rain garden, if maintained would be very attractive and would be beneficial as an amenity to this site. Mayor Gamache asked if there are other options, such as keeping it as an infiltration area. Mr. Berkowitz stated that is possible but it will be a depression.

Councilmember Knight asked if the skinny necks in front of lot 5 and lot 16, could be widened. Mr. Berkowitz stated the areas are actually pretty wide and able to park cars.

Mayor Gamache stated he would be ok with a rain garden and it would be a nice amenity for the development. He thought they will be able to use some of the trees on Walmart's property as a buffer for some of the lots.

Mr. Ruud stated he would see the benefit of a landscape plan so that something would be designed that is easy to build and maintain.

Councilmember Trude wondered if they could use pavers in the middle area for drainage. Mr. Berkowitz stated those pavers freeze in the winter so they will not get any benefit in the winter. He stated if it is set up properly they will get some earlier thaw and they will get some infiltration benefit sooner than they would with a hard pavement in there.

Councilmember Knight asked if they could get a trail from this development to the business area. Mr. Ruud noted there is a trail along 139<sup>th</sup> Avenue on the south side which does tie into the neighborhood to the west and goes east to Jay Street and north to the Andover Station North ball fields.

Mr. Ruud stated there has been a note about looping the water main on the staff review letter and he thought the cul-de-sac length can dictate whether that would be required. Mr. Berkowitz stated they can sit down with their consultant and see what would need to be done.

Mr. Ruud asked for a copy of the PUD agreement for the Parkside development so he knows what that would look like. Mr. Carlberg stated they will provide them with the Parkside 3<sup>rd</sup> Addition approved PUD standards.

Ms. Arlene Welk, 13809 Nightingale Street, stated she is Lot 4 that backs up to the proposed development and she is concerned about the water levels in the spring in this area. She stated Lot 8 will be in a pond, part of Lot 7 will be in a pond and the area behind her home sits in a pond where the trees are. She stated years ago they were told that area would never be developed because of the water levels at four feet. She stated looking at the proposal, she wondered if the road could come down and "U" out. She stated that would help with water ponding and plowing.

Councilmember Trude thought the developer has looked at that because he said they had done a wetland delineation so they get to move some dirt around to fill in low spots and creating new drainage.

Mr. Berkowitz stated as far as the storm water drainage, the developer is responsible to pick up any drainage on the site or any drainage that drains onto the site so looking at the storm water ponding locations on the sketch plan is a potential to help that situation out. As far as the rain garden in the middle, it will need to have an overflow. They will look at all the drainage in the Preliminary Plat phase of this project.

Mayor Gamache hoped they will be able to see some better water drainage because of this development.

Ms. Welk thought if they had a “U” shaped road, Lots 5 and 6 would get bigger and so would Lots 10, 11 and 12. They could utilize the space better and there would not be any waste and would not have to have the center area. Mr. Ruud agreed there is a pocket in the topography and the area will be graded and he hoped there will be improved drainage with the grading and ponding sites that will be added. One of the goals would be to save trees and to eliminate water issues. He stated soil borings have been done so they are aware of the soils and know what they are dealing with. He understood with sketch plan review there is not a decision but he is getting feedback. He would like to know if sketch plan C is the preferred layout. The Council concurred.

Councilmember Knight asked if Mr. Ruud has experimented with the “U” layout. Mr. Ruud stated he did not like the idea of a “U” shaped road because he did not like having two intersections two hundred feet apart. Mayor Gamache agreed.

Mr. Ruud thought seventeen lots can support an association. Councilmember Trude thought it might make sense to do an association for more than just the island, include yards, garbage and other central items.

***CONSIDER INTERIM USE PERMIT – STORAGE OF STREET CONSTRUCTION MATERIALS – NORTHEAST OF 16541 HANSON BOULEVARD NW – RICHARD KUIKEN***

Mr. Carlberg explained Mr. Kuiken is proposing the storage of up to 20,600 cubic yards of street construction materials. The materials will be stored on the 20 acre parcel located northeast of 16541 Hanson Boulevard NW. The stockpile of materials will be approximately 8-10 feet high with 4:1 slopes.

Mr. Carlberg reviewed the staff report with the Council.

Councilmember Knight asked if this would be strictly storage for this road. Mr. Carlberg stated it would be material stockpiled for road construction and was the intent by the applicant Mr. Kuiken.

Councilmember Bukkila left the meeting at 9:20 p.m.

**Motion** by Knight, Seconded by Trude, to approve Resolution R037-14, proposed Interim Use Permit with changes as reflected in the resolution.

Councilmember Trude stated she was not clear on removal date. Mr. Carlberg stated he has until June 3, 2016 to remove the material.

Councilmember Trude thought they were missing a clause for restoration. Mr. Berkowitz stated they could add the wording “restored to prevent erosion.” Councilmember Trude agreed.

Motion carried 4 ayes, 1 absent (Bukkila).

***CONSIDER INTERIM USE PERMIT – LAND RECLAMATION – 16404 INCA STREET NW – LARRY SCHALO***

Mr. Carlberg explained Mr. Schalo, of Paramount Home Builders, Inc. is proposing to add approximately 6,500 cubic yards of fill to the property at 16404 Inca Street NW. The materials will be added to the northeast side of the property just off of the curb in order to raise a lower area to curb level. The home pad will be moved to the area where the fill will be added to provide a more private building site than what was previously planned.

Mr. Carlberg reviewed the staff report with the Council.

Councilmember Howard asked if the \$2,000 in escrow is going to be enough to pay for street and curb damage if needed. Mr. Berkowitz stated for the short amount of haul that should be enough money.

**Motion** by Trude, Seconded by Howard, to approve Resolution R038-14, proposed Interim Use Permit with changes as reflected in the resolution. Motion carried 4 ayes, 1 absent (Bukkila).

Councilmember Bukkila returned to the meeting at 9:30 p.m.

***CONSIDER AMENDMENTS TO THE CITY CODE 9-8-2, DEFINITION OF RENTAL DWELLING; 11-3-4, EASEMENTS; 12-8-2, LAND RECLAMATION; 12-8-3, MINING AND 12-8-4, SOIL PROCESSING; 12-16, ADDING REQUIREMENTS FOR SPECIFIC INTERIM USE PERMITS***

Mr. Carlberg explained over the past few months staff has discussed several amendments to the City Code needed for clarification and cleanup/consistency purposes.

**CITY CODE 9-8-2, DEFINITION OF RENTAL DWELLING**

Mr. Carlberg reviewed the staff report with the Council.

Councilmember Trude stated what if someone was to buy a townhouse and call it senior living, would that be a concern. Mr. Carlberg stated it would be a licensed facility and that is what they would look at. Councilmember Trude wondered if the word senior was descriptive or do they want to change the definition so it is not based on her definition as the owner. Mr. Carlberg stated they can add “licensed senior facility” to the definition.

#### **11-3-4, EASEMENTS**

Mr. Carlberg reviewed the staff report section on easements with the Council.

There was no discussion.

#### **12-8-2, LAND RECLAMATION; 12-8-3, MINING AND 12-8-4, SOIL PROCESSING; 12-16, ADDING REQUIREMENTS FOR SPECIFIC INTERIM USE PERMITS**

Mr. Carlberg reviewed the respective staff report section with the Council.

Councilmember Trude stated when they have talked about interim use permits she thought the mining statement should also be in the highway construction materials. Mr. Carlberg stated it is temporary processing and storage but mining is a permanent change.

Councilmember Trude thought there was a standard in the old City Code that stated the property had to be restored to buildable. Mr. Carlberg stated those were added to a couple of different mining operation CUP's and were not part of the City Code.

***Motion*** by Knight, Seconded by Bukkila, to approve the amendment to the City Code with the following changes:

Motion carried unanimously. (See Ordinance 438)

Councilmember Trude wondered if they needed to approve a summary publication of the Code. Mr. Carlberg stated the summary will be brought back to the next meeting on the Consent Agenda.

#### ***ADMINISTRATOR'S REPORT***

City Staff updated the Council on the administration and city department activities, legislative updates, updates on development/CIP projects, and meeting reminders/community events.

***MAYOR/COUNCIL INPUT***

***(Slyzuk Building)*** Councilmember Howard asked if they are going to do anything with the Slyzuk building that they had problems with the roof. Mr. Dickinson stated they are still in negotiations with the insurance company.

***(Road Paint)*** Councilmember Howard asked how long paint is supposed to last on a roadway because it is wearing off already on Nightingale Street. Mr. Berkowitz stated it does not last very long on new roads. They have a contractor that will be coming out to stripe which will happen within the next three to four weeks.

***(Crosstown Boulevard Crosswalk)*** Councilmember Howard stated the crosswalk on Crosstown Boulevard is very dangerous and he wondered what they can do to make that a safer. Mr. Berkowitz stated they could put a Deputy in the parking lot for deterrence and also put in blinking yellow lights. The County said the City can install one at the City cost. Mr. Berkowitz indicated he would look into prices for the Council's review.

***(Retirement Party)*** Mayor Gamache stated there is a retirement party at the Courtyards of Andover for Superintendent Dennis Carlson on Thursday night beginning at 5:30 p.m.

***(State of the County Address)*** Mayor Gamache stated the Pizza Ranch in Andover will be hosting the State of the County Address on Tuesday, June 10<sup>th</sup>.

***(Bent Creek Shores Email)*** Mayor Gamache asked if Mr. Berkowitz got ahold of the person at Bent Creek Shores to discuss hauling. Mr. Berkowitz stated he sent an email and is waiting for a response back regarding the truck hauling and the dirt in the street.

***RECESS***

Mayor Gamache recessed the regular City Council meeting at 9:50 p.m. to a closed session of the City Council to discuss property negotiations/PID #11-32-24-31-0001.

The City Council reconvened at 10:08 p.m.

***ADJOURNMENT***

Motion by Howard, Seconded by Bukkila, to adjourn. Motion carried unanimously. The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Sue Osbeck, Recording Secretary



**REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – JUNE 3, 2014**  
**TABLE OF CONTENTS**

PLEDGE OF ALLEGIANCE .....	1
RESIDENT FORUM .....	1
RECOGNITION OF ROBERT NOWAK – EDA COMMISSIONER.....	2
AGENDA APPROVAL.....	2
APPROVAL OF MINUTES .....	2
CONSENT ITEMS .....	2
Approve Payment of Claims .....	2
Approve JPA/12-37A/Andover Blvd. NW & Crosstown Blvd. NW Turn Lane Improvements	2
Accept Petition/Order Feasibility Report/13-41/1131 – 179 <sup>th</sup> Avenue NW/Septic & Grading	
Improvements (See Resolution R035-14).....	2
Approve Extension of Final Plat/Hickory Meadows 2 <sup>nd</sup> Addition – Tollberg Homes, LLC.....	2
Approve Quotes/Building Demolitions .....	2
Accept 2013 Comprehensive Annual Financial Report.....	2
CONSIDER REZONING 40 ACRES NORTH OF WINTERGREEN STREET NW AND 161 <sup>ST</sup>	
AVENUE NW FROM R-1, SINGLE FAMILY RURAL TO R-4, SINGLE FAMILY URBAN	
– SW LAND, LLC (See Ordinance 437).....	3
CONSIDER PRELIMINARY PLAT OF COUNTRY OAKS NORTH – 64 LOT URBAN	
RESIDENTIAL DEVELOPMENT – SW LAND, LLC (See Resolution R036-14).....	3
SKETCH PLAN REVIEW-26 LOT URBAN RESIDENTIAL DEVELOPMENT-139 <sup>TH</sup>	
AVENUE NW AND MARTIN STREET NW/POVLITZKI PROPERTIES, LLC.....	13
CONSIDER INTERIM USE PERMIT – STORAGE OF STREET CONSTRUCTION	
MATERIALS – NORTHEAST OF 16541 HANSON BOULEVARD NW – RICHARD	
KUIKEN (See Resolution R037-14) .....	13
CONSIDER INTERIM USE PERMIT – LAND RECLAMATION – 16404 INCA STREET NW	
– LARRY SCHALO (See Resolution R038-14).....	14
CONSIDER AMENDMENTS TO THE CITY CODE 9-8-2, DEFINITION OF RENTAL	
DWELLING; 11-3-4, EASEMENTS; 12-8-2, LAND RECLAMATION; 12-8-3, MINING	
AND 12-8-4, SOIL PROCESSING; 12-16, ADDING REQUIREMENTS FOR SPECIFIC	
INTERIM USE PERMITS (See Ordinance 438) .....	14
ADMINISTRATOR’S REPORT .....	15
MAYOR/COUNCIL INPUT .....	16
Slyzuk Building.....	16
Road Paint.....	16
Crosstown Boulevard Crosswalk .....	16
Retirement Party .....	16
State of the County Address.....	16
RECESS CLOSED SESSION-PROPERTY NEGOTIATIONS/PID #11-32-24-31-001 .....	16

ADJOURNMENT.....	16
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